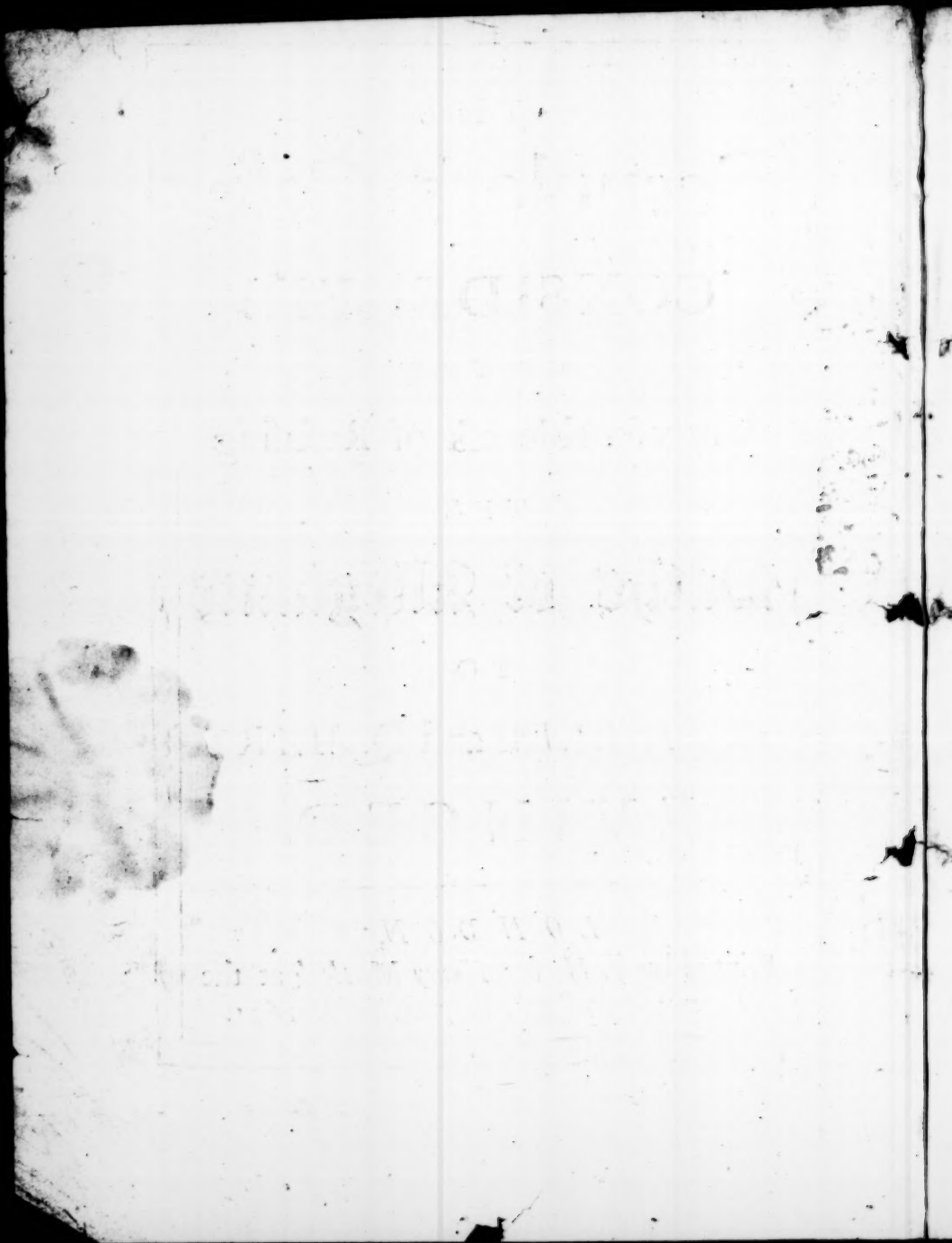


THE
Scrupler's Case
CONSIDERED:
OR THE
Unreasonableness of Refusing
THE
Oaths of Allegiance
TO
K. WILLIAM and Q. MARY
EVINCED.

L O N D O N,

Printed by J. H. for Henry Mortlock at the
Phoenix in St. Paul's Church-Yard. 1691.



T H E
Scrupler's Case
 CONSIDER'D, &c.

S. I R,

I Have here sent you my Thoughts concerning the great Case, that has been so long debated among us: a Case surely, which, if we consider not the Goodness of that Providence that hath saved us, future Generations will reflect upon with astonishment, and place among those things that are unaccountable. For to groan under the Miseries of the late Reign, and to murmur at the Providence that eas'd us; to wish and pray for Deliverance, and at last be uneasie under it; to give publick Thanks to the Prince that we owe our preservation to, and yet to favour the Interest of our Oppressour, is such a contradiction, as will stand very oddly in our Annals. 'Tis needless, I know, after so many Discourses have been published for the vindicating the present Settlement, and to discover the mistakes of those Principles, upon which the dissatisfactions of those that scruple submitting to it, are grounded, to enter upon any further consideration of them: but because it is still made a question, whether we can justify the accession of *K. William* to the Crown upon such principles, as are capable of satisfying a good Conscience, and whether their present Majesties have a Legal Right to that Faith and Allegiance, which is claimed in the New Oaths, it is a duty that every good Subject owes to his Countrey, to endeavour to lay those dissatisfactions that disturb its Peace. This I shall endeavour to doe by enquiring into the grounds of those Scruples, that occasion the refusing the New Oath of Allegiance to their present Majesties.

And these are either because *K. James* is believed to be still King *De Jure*, or because of some particular Obligation to him that some are perswaded they lie under more than others. The former is what is commonly said, and the latter is what has at sometimes been urged in favour

of persons of great Note and Figure. And till I had read the Discourse of the learned Dr. *Sherlock* I was apt to imagine, that it was upon this latter reason, that all those, who notwithstanding their scrupling the Oaths did pray for their present Majesties as King and Queen of *England*, did ground their scruples. For I could not persuade my self, that this practice was, as he tells us, grounded upon the Apostle's direction to pray for all in Authority: For to believe them to be in that Authority, which Religion does require us to recommend to the protection of Heaven, and yet to scruple to oblige our selves by an Oath to be true to, and stand by this Authority, does not appear easily reconcilable. For why should any man expect, that God should be less righteous than himself; or that he should maintain a cause that we dare not swear is just and right? Why should we request him to uphold that Authority, which, we do believe, is not rightly placed; or to protect those, that are in Authority, when we believe, that they ought in justice and honesty to resign it to another? And that we cannot with a good Conscience oblige our selves to give that Faith and Allegiance which are necessary to their support? This looks so much like a mockery, that I did believe it was something else than K. *James's* Legal Right was the ground of their scruple. But since it is upon this principle, that those that pray for K. *William* and Q. *Mary* by Name (who, as the Reverend Doctor observes, are so few that in a manner he stood singly by himself) do refuse the Oaths, I would enquire, whether it be not because we owe Faith and Allegiance to those in Authority, that Religion obligeth us to pray for them? And whether we are not bound to take an Oath of Allegiance and Fidelity to those in Authority, when required, when we own that we owe Allegiance to them? Whether Religion does not bind us to pay Allegiance to those in Authority, as well as to beg of God to own and abet their Authority, and whether it can be a point of Religion in us to represent them to the world as unjust Usurpers of another's right, whom Religion does oblige us to represent to God in our Prayers as worthy of his Care and Providence? If they say that they pray for them as having that Authority by which the Civil Society is maintained in Peace, and the people are secured from Violence and Injustice; still I say that upon whatever reason they can recommend them to the care of Providence they ought to take the Oaths. If they have the publick Authority Faith and Allegiance is due to it, as well as Prayers to God for its preservation. But if they have not that publick Authority to which Faith and Allegiance is due, neither have they that which they ought to recommend to the Divine Protection. So that either they ought not refuse the Oaths, or they ought not to pray for them. For why should they beg of God to countenance that Authority, which they themselves will not? If they cannot swear to their Majesties, because they have

have an Authority which does not belong to them, I think they ought no more to pray to God to continue them in it, and bless them in the exercise of it, because of the advantages they receive from it, than to protect a person, that violently turns his Neighbour out of his House, and takes the possession of it, onely because he is kind to the rest of the Family.

If it be said, that this Argument is so far from satisfying that we ought to take the Oaths to their Majesties, that it proves we ought neither to pray for nor own them: I answer, that there is the same reason for the one as the other, and that we ought to doe both or neither. So that to those who declare they can pray for them as having that Authority, which we may recommend to the care of Heaven, it is a good Argument why they ought not to refuse the Oaths. But for those that look upon K. *James's* right to be so fixed, that they cannot with a good Conscience do either the one or the other, it would do well for the bringing this dispute into as narrow a compass as possible, if they themselves would come to some agreement upon what bottom to settle this principle: whether it be because the right of Kings in general be unalterable, or whether K. *James's* right in particular be so. For some have so discours'd the Right of Princes, as if either God or Nature had vested them with so unalterable a right to govern, that it could upon no account at any time be transferred: whereas others do found this unalterable Right upon Laws and Constitutions. The former supposes, that a Princes Right can no more be transferr'd, than Nature upon which it stands can be changed: or a Father, whose power and natural right of dominion over his Children, they suppose, to have been the foundation of Regal Authority, can lose his paternal relation. So that this Opinion supposes that there is no power but what is Regal, because it is impossible that there should be any more than one Father in a Family; and that Princes, who come to their Crowns by Election, are not vested with a just Regal Authority, because they do not receive it according to the course of Nature. But the latter, who have a recourse to Laws and Constitutions, do grant that every Prince is rightfully so, who comes to his Crown in that course that the Laws of his Countrey does direct, and that every such rightfull Prince cannot lose his Right by being dispossessed. So that in Elective Kingdoms none can have a Legal Right but he who is duely Elect'd; nor in those that are Hereditary, unless by an Hereditary Right they ascend the Throne. Now although these principles are so differing, that they will never suffer those that maintain 'em to agree in asserting the Rights of Princes, yet they both agree in this conclusion; That K. *James*, so long as he lives, is our rightfull Prince, and that we cannot with a good Conscience acknowledge the Right of, or bind our Allegiance to any other. This then being the Scruple, I come to examine the Principles upon which it stands.

And

And, first, they who go upon the former Principle, will I doubt unsettle all the Estates and Governments of the Word; and not only so, but lay a scurvy Reflection upon the Jewish Government, when there was no King in *Israel*. For I fear a Theocracy will as little stand before it, as any other Government that is not Monarchical. But suppose they are more tender of the Rights of God, than those of the People, and will allow him a Power to controul the Laws, and alter the Course of Nature, while man is indispensibly bound to observe and follow them: Suppose I say that they can be content to allow the Justice of a Divine Regiment, while they blast the Reputation of those States, that in asserting their Liberty have form'd themselves into another than a Kingly Government, what account will they give of those innumerable Changes, that have been in all the Monarchies of the World? Was this Principle true, it would over-prove the matter, for which it is set up; and prove as little favourable to the Interests of *K. James*, as those of *K. William*; unless they will undertake to prove, that he is the true Heir of the first Father, from whose Loins the People of *England* are descended. For how will they justify the Rights of any of those Princes, that at this day sit upon the Throne of a usurping Ancestour? For if the Right of Kings be unalterable upon the Account of that natural Law, which will never permit a Father to lose his Relation, the Sword to be sure has much less to do in transferring a Right, than the Suffrages of a Convention: And none is to be accounted a lawfull rightfull King, but such a one as can derive his Title from such an Ancestour, as neither founded his Empire by Conquest nor upon Compact; but stands upon such a natural Right, as no Power upon Earth can dissolve or destroy. For that Title which is not good at the Bottom can never be made good by time. But this is such a Chimerical Prince as is no where, I am very confident, to be found in the World at this day; and I very much question whether there was ever any such Prince in the World. This is a Principle that may in some Cases serve the Turns of Princes, and in respect of that uncontrollable Power, that an unbounded Ambition affects, be entertain'd with fondness; but I don't believe that any Prince would be content to submit his Title to the Test of it.

Yet since it has with great Industry been taught and inculcated upon our minds, and received by some unthinking, or which is worse, designing men with great applause, I shall a little further consider it under these two heads.

1. Whether, supposing the Rights of Princes do spring from the natural Authority of a Father, it be upon no account alterable?
2. Whether the Government of Mankind was settled upon this Principle at the First?

1. Sup-

1. Supposing that Fatherhood be the Foundation of the Rights of Princes, whether it be upon no account alterable? Should we suppose that Kingdoms and States did spring from those Seeds, and grow up from those beginnings, that the Contenders for a Patriarchal Power do found them upon; Nay, should we suppose, that at this day there was a Prince in the World, that was lineally descended from such a first Ancestour: I much question whether his Right stands upon so fixt a Bottom, as that he can justly upon no account be deprived of it. Now a Prince that is thus descended, must be granted according to this Principle, to have the clearest Title; and, if it be a Prerogative of the Crown an unalterable Right. But yet there are three things that perswade that the World is satisfied, there never was any such Prerogative belong'd to any Crown'd Head.

1. Because the Maintainers of this Principle makes use of it, for the supporting the Titles of those Princes, that have otherwise come to their Crowns. 2. Because no Prince can justly claim any more Right, than the Title upon which he grounds his Right does give him. 3. It is difficult to resolve how a Son can inherit a Paternal Power.

1. Because the Maintainers of this Principle make use of it for the supporting the Titles of those Princes, that have otherwise come to their Crowns; which is such an unfortunate Application of this Doctrine, as does furnish us with reason to think, that no Prince in the World believes it; or which, if it should be true, shows us that it is of no use at all now.

For what if Monarchies did at first spring from Paternal Authority, what is this to those Princes, who have nothing to doe with this Title? If there never had been any alteration in the Succession, but from Father to Son the Government had descended ever since the first Fathers of the several Families of the World, it might be somewhat more conceivable how a Right thus founded should according to the Laws of Nature be unalterable, and to how much better purpose this Principle might be pleaded. But to uphold the Titles of Princes by this Principle, that by the Dint and Length of their Swords, have proved the lineal Descendants from the first Founders of a Government to have no such Right, as is founded upon it, is to prove by the Application, that the Principle it self is illy insisted on. For if the Right of a Prince be unalterable only upon the Account of the Paternity it is founded upon, they to be sure, who stand not upon this Foundation, cannot in reason lay a Claim to the Rights that belong to it; much less when he himself who has invaded the Rights of a lineal Descendant, cannot in Interest believe, that Unalterableness is one of them. After so many changes, as have been in the World, to ground the Titles of Princes upon the unalterable Rights of Nature, is
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the same confidence, as to tell the World, that the Moon has never changed since the Creation, but has constantly shone with the same Face it had, when God first placed it in the Firmament. For would not any, that hear this Principle insisted upon, believe, that the great Sticklers for it are persuaded, that all the Princes in the World are the true lineal Descendants of the first Fathers; and that there has been no justling for Empire, no Encroachments upon each others Rights, but that all Kingdoms and States have kept a constant steady Course since their first forming. But while they make use of this Principle to support the Crowns of such Princes, as had never worn them, had not the Sword first cut that Succession in pieces, which according to this fancy ought to have been unalterable; how loyal soever they may be in their Principles, their Practice does taste as little of it, as that which they censure in their Neighbours. For whenever they shall vouchsafe us a Justification of that Zeal, which not onely sets aside the true and rightfull Heirs of the first Founders of a State, but sets an Eternal Bar to their Titles, by giving an unalterable Right to those, that have invaded their Dominions, and possess'd themselves of their Crowns, I will promise them as fair a Justification of that Practice, that has sworn Fidelity to their present Majesties.

But besides, if these men were as honest, as they pretend to be, they must quarrel with all the World, and disown the Authority of all Princes for the sake of those, who by the Right of Nature ought to rule. But if this Principle be of any force, as the World stands, it does as certainly oblige them to swear Allegiance to their present Majesties, as to any Prince that sate on the Throne before them. They will not I presume say, that *K. James* his Right is unalterable upon the Account of an interrupted Succession from *Adam* and his Eldest Son, or from that first Father (whoever he was, if ever there was any such) whose Family has grown up into this Nation: And whatever they say less will serve the Turn of any Prince, that is in Possession of the Crown. Will they say, that when the first true lineal Succession was interrupted, that he, that was the Invader, did succeed to all the Rights of that Paternity, that had till that time descended from Father to Son; and unless they say this they will lose the Unalterableness of the Right: But if they do say it, let them shew, which way those Rights came into his hands, and not into their present Majesties. If it be Invasion they complain of now, and that Invasion be such as has interrupted the Descent of the Patriarchal Right, let them inform us by what means the first Invaders of the lineal Succession had better Fortune. But,

2. Suppose this Principle were true, no Prince can justly claim any more Right, than the Title, upon which he grounds his Right, will bear. I mean he must be content with the same Authority, that Nature does
give

give a Father over his Children. And could this once be gain'd, I am perswaded it would be happy for the World, if this was the prevailing opinion of Mankind. For as this World undoubtedly secure the Thrones of Princes from all Violence from their Subjects, and by that means free them likewise from Apprehensions from a powerfull Neighbour; so it would put their People into that easie State, as the Compassions and Tendernesses of a Father's Bowels does the Fruit of his Loins. Then there would be no violent Oppressions, no Tyrannick Rage, no Despotick Will, but the Power of a Father would be directed and govern'd by a Father's Love to the preservation and welfare of those, that he is to consider, under the relation of Children. But to insist upon the Immutability of a Prince's Right to govern a People with the Severity of a Tyrant, and to perswade us, that we are still to respect and obey him as a Father, when Destruction and Confusion are in his ways, is as if a ruin'd People were told, that all this is the Effect of a paternal Care; and that when they are made Slaves, they are dealt with as Children.

If it be said that after all this a Father does not lose his paternal Relation; I grant it, but let it be made good that he has acted within the Bounds of a paternal Power: Or that Nature does oblige a Son to live under the Command of a Father, when he resolves to make him his Slave, upon this reason, because he is bound to a Filial Duty. For surely the same Nature, that obliges a Son to Dutifulness to a Father, does equally, oblige a Father to keep within the Bounds of his paternal Power. But if he lays this aside, he lays aside that Power; that his Children are bound to obey: And that Nature, which binds Children to live in subjection to their Father, ought not to be insisted upon for the like subjection to an outrageous Tyrant; neither can they be upbraided with thwarting a natural Duty, if they abandon a Father that seeks their ruine, and submit themselves to a more tender Guardian. So that supposing the Right of Princes was derived from that paternal Authority, that Nature gives a Father over his Children, they can claim no more Right than belongs to a Father. And since the same Nature, which has given a Father a Right to govern his own Family, has likewise given Children a Right to preserve themselves from the unjust Violence of a destroying Father, there will be a little more Art, than I am as yet Master of, needfull to prove the Right of Princes unalterable, when they abandon the Power of a Father for that of a severe Tyrant. For the Law of self-preservation is as unchangeable, as the natural Right of a Father can pretend to be: And if Children cannot live with safety under their Father's Authority, Nature does prompt them to make use of any good Providence, that offers it self for the better providing for their Safety, so that a Prince's Power, was it derived from Fatherhood, is limited by the Laws of Na-

ture, which does give Children as good a Right to consult their own safety, as to their Parents to rule and govern them.

If it be said that this does give encouragement to Children to rebel against their Parents, I do not see how any such conclusion can be fetch'd from it; but that it rather teaches Fathers, that the End and Reason of their Government, is to cherish and provide for the welfare of their Children. Neither do I understand, why a concern for their own safety, which Nature has planted in all Beings, should brand Children with Rebellion against their Parents, when they make use of a Power over them, which is a Rebellion against Nature. 'Tis one thing to disown a natural Right, and another to make use of a natural Right against an unnatural Violence.

If it be said, That the greatest Hardships a Prince can exercise his People with, can no more deprive him of his relation to them, than a Father can lose his to his Child. I think this is very precariously said, unless a Prince upon the Account of that paternal Power, he is supposed to be vested with, must be supposed likewise to have begotten all those, that are politically his Children. For if he be a Father upon no other Account but as the paternal Power of the first Fathers of Families is descended upon him, whenever he abdicates this Power, he ceases to be that political Father of his People, that he was in respect thereof, and is to be consider'd under the Notion of a Lord and Master. And surely that Relation which a People have to their Prince as Children, can have no obligation upon them to pay them the subjection of Slaves. The Relation of a Father does, 'tis true, continue, when by changing that Power that Nature gave him into an unreasonable Tyranny, he gives his Children just reason to forsake, or their more tender Relations to take them out of his Family: But the Relation of a Prince being not founded upon Generation, but only upon a supposed Descent of that paternal Power, which the first Progenitors did improve into a Regal Authority, it is hard to show how the Relation of a Father can continue, when the Power upon which it is founded, is alter'd.

If it still be said, That supposing Nature does give Children a Right to save themselves from the unjust Violence of a Father, by flying to the Compassions of a Friend or a Relation, yet it does not deprive a Father of that Right to his Child, that Nature gives him; nor set the Child absolutely at liberty from his Father's Authority; but that he is bound to return to his Father's Family, if the Father will return to the just Exercise of his natural Power. I do not see to what purpose this can be urged. For allowing, that all this was true, what use can it be of, to a Prince whose Fatherhood is not of the same Nature in all respects, nor has the same Foundation with that of a Father to his Child, whom he has begotten?

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Will any Man say, that Nature obliges a Child to no more Duty and Reverence to his Father, than to his Prince? I do not at all dispute that high Respect and Reverence that is due to a Prince, but I do question whether it be owing upon the Account of Fatherhood in the same sense as it is to a natural Parent. But however, this is not universally true; for supposing that a Child, who has been forced abroad by the unnatural Severity of a Father, be otherwise disposed of, the Father though he hath not lost his Relation, nor his Right to the Respect and Reverence of his Child, yet he has lost his Right of Rule and Dominion over him. But...

3. There is one Difficulty further, that presses this Notion of a Prince's Right, being founded upon the natural Right of a Father over his Children. For supposing that the World was at first govern'd, as this opinion would persuade us, it ought to be made to appear, that the Eldest Son by virtue of his Primogeniture was Heir to the Power of a Father over his Children. For a Father has a Right to govern his Children upon the account of Generation; but how any person can have the Power of a Father over those that he never begat, needs a little trial of skill to explain. If Nature gives a Father a Right of Dominion over his offspring, only because he is a Father, how can the same Nature derive the same Power to another Relation? If the Relation of a Brother, or the privilege of being a First-born does give him, that is so, any Power over his Brethren, it must be such a Power as does agree to such a Relation, not such as belongs to that, which is higher. But what Power does the Relation of a Brother give a Brother over the rest of his Brethren, when in Nature they all stand in the same Degree of Relation? If the Relation of a Brother does import Power, as well as that of a Father, the Youngest has as much Right to it upon the Account of the Relation, as the Eldest: So that the consequence is, that every Brother has a Right of Dominion over his Brethren, i. e. they are all equal in Power; and consequently there is no Superiour nor Inferiour among them. So that the Relation of a Brother, is so far from entitling a Son to the Power of a Father, that it vests him with no Power at all. And as little does it appear how the privilege of Primogeniture can entitle the Eldest Son to any such Power, if the reason of it be to be resolved into Generation. The privileges of Primogeniture can at the most be no more than belong to the Relation of a Son, tho' the Eldest, which as I take it do arise from the favour of Parents, rather than from Nature: And therefore to ascribe a natural Right of Fatherhood to a Son, must suppose that the Circumstances of being the First-born, does upon the Death of the Father alter his Relation of a Brother into that of a Father. If it does not do this, the Power of an elder Brother is not by virtue of a natural Right, but is to be derived from some other Principle. I come now, to

2. To examine whether the Government of Mankind was settled at first upon this Principle. And surely it is impossible it should, if the Course and Order of Nature be a steady unalterable thing, and does not permit that Confusion of Relations, as this Principle supposes. For if it be upon the Account of Generation alone, that Nature does vest a Father with a Right of Dominion over his Sons, how can the same Nature vest the same Power in a Brother, without disturbing the Relation? I do not say but a Son might succeed his Father at the first in the same Rule and Authority, but which wanteth a proof is, that it was by virtue of such a Right as Nature gave. If the first Planters of the World had stuck to this, and not suffer'd the Power of Government to have gone into any other hands than those that Nature put it, it would have been impossible there should have been any such thing as a City, and much less that it should have been lasting; but still as Mankind had encreased, every Family would have been a distinct Empire, and every Father a supreme Monarch. So that unless a Father had been so happy as to beget Thousands of Children, a City would have been an unheard of thing in the World. For Nature could no otherwise form a City under the Rule of paternal Power, but out of the Loins of one common Father. Which if it had done, as may be granted to the Days of the Ancient Patriarchs, would yet have dissolv'd upon the Death of the Father, from whose Loins it sprung: Because the Right of Dominion, which is supposed to have issued from Generation, would have devolved upon every Father of a Family.

As for instance, suppose *Adam* was the Universal Monarch of the World, while he lived, as he was the common Father of Mankind; yet his Right to a Universal Monarchy could not descend to his Eldest Son: But every Father upon the same reason, that he had a Right to govern the whole, while he lived, would have been the supreme Monarch of his Family: And accordingly, the World would have been divided into so many petty States, as there were first Fathers of the several Families; which upon their Deaths likewise would have still subdivided, till the Brevity of Life, to which we are reduced, would have left few larger States in the World, than single Families. This, I think, might be sufficient to prove the Absurdity of that Opinion, which resolves the Right of Princes into the natural Right of Parents, and supposes the large Empires of the World to have sprung from Families; whereas it tends to dissolve Kingdoms into Families; and to satisfy those, that scruple the present Oaths upon this Principle, that they ought, if they will drive it up to the utmost Conclusion, disown the Right of *K. James*, and of all the Princes in the World, as well as of *K. William*.

But besides, if at the first planting of Mankind the Right of Government

ment did spring from Generation, and the Power of the Father did upon the Account of his Primogeniture descend upon the First-born; how comes it to pass, that it does not so now? How comes it to pass, that every Father has not that Right, that Nature has given him; and that every Eldest Son does not exercise the same Authority over his Brethren, as this Opinion does suppose, they did at first? If that Right of Fatherhood, upon which the Rights of Princes are said to stand, be natural, it cannot be alter'd; because Nature is the same at all times, and its Laws cannot be superseded. And if the Right of Primogeniture does issue from Nature, it is of as perpetual an Establishment as Nature is, *i. e.* so long as there is a Propagation of Mankind, and a Succession of Sons to Fathers, the paternal Power must be in the Father while he lives, and descend to the Son at his Death.

Obj. If it be said, *That Fathers have still a Power over their Children:*

Ans^r. I would know whether it be that supreme Sovereign Power of a Prince, which is said to have been at the first Paternal; and whether this same Power does descend to the First-born, as Nature is said to have at first directed.

If it be said to be still the same, let it be proved, how any Father can be a Subject; and how every Eldest Son is not as absolute a Prince after the Death of a Father, as those who at first succeeded into the paternal Power by a Right of Primogeniture. But if a Fathers Power be not of this Nature, the Objection signifies nothing. If they say it ought, let them consider whether they do not contend for greater changes in the World, than that which they scruple at among us. For if that paternal Power, which is said to be in the hands of Princes, does of natural Right belong to every Father, then there ought not to be any Sovereign Prince over one or more Cities, nor any Community of Families in one City; but all States and Empires ought to be resolved again into those first Principles, out of which they are framed.

But after all, if we go back to the beginning of the World, I believe no such Original of Regal Government will be found, as is supposed in this Opinion; but that it had its rise from some other Principle than that of Nature. Before the Flood, I do not see any Foot-steps of any other Government besides a Theocracy, unless it was in the City that *Cain* built; Nor after the Flood, till *Nimrod* erected his Monarchy. When God created Man, He upon the Account of the Superiority and greater Excellency of his Nature, subjected the Fish of the Sea, and the Foul of the Air, and every living thing that moveth upon the Earth to him, *Gen. 1. 28.* But the governing so Excellent a Creature as Man is, that has nothing upon Earth superiour to him, he reserved to himself. And therefore, not only when *Adam* transgressed, he as his Sovereign Lord summon'd,
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and gave sentence upon him; but when *Cain* kill'd his Brother, he did not leave him to be animadverted upon by *Adam's* paternal Power, but convened him before himself, and as the immediate Governour of Mankind proceeded against, and gave judgment upon him. These proceedings may be supposed to be extraordinary; that in the one Case it could not be supposed, that *Adam* executed his own Power upon himself; and that in the other, the Bowels of a Father would not permit him to do it upon his Son.

But what is there in the Text, that leads us to such an Account of these Matters? Is *Adam* blamed for remissness or partiality in his Government? Or was it so much against Nature, that God did not expect the Severity of a Governour from him? The former does not appear; and the contrary to the latter has been exemplified in such rigorous Instances, as leave no doubt but God would expect it as much from *Adam*, as he did from *Saul*, when for *Jonathan's* eating a little Honey contrary to his Father's Adjuration, he in displeasure refused to give him any Answer, till he had made inquiry into his Son's Fault.

These I take to be plain Instances, that *Adam* and his Posterity were at first settled under a Theocracy. Neither does there appear any one Instance of any other Power, than what is lodged with Parents at this day, to have been exercised by *Adam*, or any other of the succeeding Patriarchs, which is very far from that absolute uncontrollable Power, that this Opinion flatters Princes with. And thus, so far as I can discern, Man was not only design'd to be govern'd in all Ages of the World, but actually was during the Course of Time before the Flood; I mean that part of Mankind, that upheld the first Constitution, who in Opposition to those, that revolted with *Cain* from the Divine Regiment, and under him formed themselves into the first human Government, are stiled the Sons of God, as the Adherers to *Cain's* Government, are stiled the Sons and Daughters of Men. And if I may be permitted to carry this Conjecture a little further; I do not see but the Design of the Devil in tempting *Adam*, was to withdraw him from that Allegiance which he owed to God the supreme Monarch, and to set up an Empire of his own, the Spiritual part whereof he exercises immediately by himself; and the Temporal part he put into the hands of those ambitious Men, who usurping upon the natural Rights of their fellow Creatures, laid the Foundations of that Tyranny, which has ever since been the Plague of the World. For in the Revelations the Roman Empire, which is known to have succeeded to the great Monarchies of the *Greeks*, the *Persians* and *Babylonians*, which begun in *Nimrod*, is said to have received the Power, the Seat, and the great Authority of the Dragon, *Ch. 13. 2*. And if this be true, the Promise, that *the Seed of the Woman should break the Serpent's Head*, which was made to *Adam* after

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ter his Fall, does imply the Institution of such a Government, as should break this usurp'd Authority of the Devil, and restore the Ancient Theocracy to the world. For *S. Paul* tells us, that he, whom this Promise does primarily respect, must reign, till he has put all Enemies under his Feet: And that when he has put down all Rule and all Authority and Power, he shall deliver up the Kingdom to God. By means of this Institution God recover'd *Adam* to his Obedience, and restored in some Measure the Theocracy, which was own'd by the Posterity of *Seth*, until these Sons of God by Alliances with the Daughters of Men became so corrupted, and mingled with the Posterity of *Cain*, that *Noah* and his Family were the onely persons left, that adher'd to the Divine Regiment. And when this Rebellion was grown so strong, God to put an End to it, and to secure his own Right, sent a Deluge upon the World. But after the Flood *Nimrod* renewed it. And it is not for nothing, that he is stiled a mighty Hunter before the Lord, which is an Expression, that aggravates his Crime, as he not onely practis'd his Violences in the Face of God; but in opposition to him, by usurping upon his Rights and Prerogative.

Obj. If it be said, That this account of the Original of Humane Government sets an odious Character upon the Powers that are in the World,

Ans. I grant, (1.) That it does so upon the first rise thereof, as it began in *Cain* and was again restored by *Nimrod*. For the character of a Mighty Hunter, which the Holy Ghost has affixt to his Name, is not I think much for his honour; and especially when we consider, that what we render a *mighty hunter* is in the Original a *mighty robber*, or an invader of the Liberties of Mankind, and the Rights of God the Supreme Monarch. And it is not surely for nothing, that in so brief a History, as that of *Moses* is, the Holy Ghost has set so severe a remark upon the first establisher of humane power after the Flood; but that after Ages might be inform'd, by what ways and means the Theocracy was destroyed and Slavery introduced. And,

(2.) It does so likewise upon those Despotick Governments, that are founded by Ambition, and exercised by Cruelty and Oppression: for these are as certain marks of a diabolical power now, as they were in *Nimrod*. And wherever that unbounded ambition, that at first brake in pieces the Divine Regiment, does bear sway, there is still the Seat and Throne, the Power and Authority of the Dragon. But,

(3.) How ill a representation soever it makes of the first Rise of Humane Government, and of those that are managed by the unlimited will of Tyrants, yet it does not so to all. For Man being seduced from his duty and fidelity, God, as I observed, instituted a Government vested with all the Rights of the Theocracy, for the vanquishing that unbounded power to which he was enslaved. And therefore in the style of the Prophets,

phets, he who was appointed to save us, is called a Prince and the Son of David, to denote his Kingly power, and characterized to us by having the Government upon his Shoulders; *i. e.* by being entrusted with that Authority, by which God at the first did manage his Government. And more particularly the Prophet Daniel, after his description of the four great Monarchies, to which (as St. John tells us) the Dragon gave his Power, tells us, that their Dominion shall be taken away, and consumed and destroyed unto the end. And that *the kingdom and dominion and the greatness of the kingdom under the whole heaven shall be given to the people of the saints of the most high; whose kingdom is an everlasting kingdom, and all dominions shall serve and obey him,* Chap. 7. 26, 27. Now the Characters of this Government, that is of divine Establishment, are such as are directly opposite to that violence and cruelty that are the true characters of the diabolical power. For it is described to be such, as shall be a sanctuary to the oppressed, and restore enslaved Man to the true Rights and genuine Liberties of his Nature. *He shall not judge after the sight of his eyes, neither reprove after the hearing of his ears; but with righteousness shall he judge the poor, and reprove with equity for the meek upon earth: Righteousness shall be the girdle of his loins, and faithfulness the girdle of his reins.* So that at the same time, that the Devil for the rooting the Theocracy out of the world, did after he had enslaved the Soul of Man confer his usurp'd power upon the ambitious ravagers of the Liberties of mankind; God likewise did institute a Government, that for the sake of Man, should be at perpetual enmity with the tyrannical Sovereignty of the Devil.

Obj. If it be said, *What is all this to Humane Government?*

Ans. I say, it is of as much use as I design'd it: which was to shew, that it arose from something else than Paternity. And though it should fall out, that from these principles I cannot give a clear account how all the world came to settle upon Humane Governments; yet if they prove what I make use of them for, I am not accountable for what I have not undertaken. And yet I am apt to think a probable account may be given of this matter from them; for for want of History we can only conjecture. Now if the Scripture does furnish us with such hints, as may reasonably persuade us, that Man was at first placed under a Theocracy; that this Primitive Government was invaded and broken by the Devil; the first Establishment of human Government, was by a Conveyance of his Spirit and Power to the first ambitious Invaders of the Liberties of Mankind; That God did institute a Government to be managed by one of our own Blood, for the delivering us from this Tyranny; That he has given us such Descriptions of it, as discover how he would have Man to be govern'd; We may from hence observe,

1. That

1. That a Tyrannick power is not the Government, that he is a Friend to; since it is that which he is concern'd to destroy.

2. That all human Government does not stand upon that Usurpation, that the Devil made upon the Theocracy, because he has instituted a human Government, for the correcting the Mischief of that Tyranny as began by Pride and Ambition.

3. That by putting this Government into the hands of one of our own Nature, he comply'd with those lower Inclinations of our depraved Minds, which could not well bear so awfull a Sovereignty, as that Theocracy, which was united to our innocent State. For *Adam* had no sooner sinn'd, but the Majesty of the Divine Presence, which was the best Entertainment of his innocent Mind, was too terrible for him to bear.

4. That since a visible human Government is become most suitable to our Nature made fleshly, we are to consider it as a Proof of God's Compassion to us, that he was pleas'd instead of destroying it as an Enemy to his Sovereignty, to take care so to qualifie and temper it, that it might be for the good of Mankind.

5. That to this purpose the Government, which is of his own Institution is design'd to be a Pattern, by which all others are to frame and model themselves.

6. That onely those, that are form'd according to this Pattern, or corrected and amended by it, can be said, to be vested with the Divine Authority.

7. The onely way to know whether a Government be model'd according to that, which is of Divine Institution, is to consider whether it be preservative of the Rights of human Nature. For as those Princes, who rule by no Law but their own unruly Wills, and aim at no End but the making themselves great by the Spoils of their People, do visibly govern by that Power, that the Devil gave to the first Invaders of the Divine Regiment; so those, who minister true Judgment, and use their Power for the preservation of their People, do as visibly govern by that Power, which in the hands of Christ, shall at last triumph over all the Power, and destroy the Dominion of the Devil. And to be sure since the Divine Authority is transferred to no other Government but that, which God has set up for the checking or reforming those Tyrannies, that are founded on Ambition, and exercised with Cruelty, no human Government can have the least Colour of Pretence to the Divine Authority, that is acted by a Spirit which the Divine Authority is an Enemy unto. For if the Government that God has instituted be so much in favour of the Rights of Mankind, that it is appointed for the delivering enslaved Man from the Power of the Devil; how can those human Governments be copied from hence, in which the Power of the Devil does visibly reign? If Righte-

ousness and Justice be the Characters of that Government, which is of God, no other Government, but such as stands upon this Foundation, can be supposed to be Divinely instituted. For every Government that is thus framed, has extirpated that Violent power, that the Divine Government is designed to destroy, and by its resemblance thereto does visibly show, that God's Authority is exalted to, and placed in the Throne.

Obj. If it be said, *That the Dominion the Devil gain'd over us is spiritual; and accordingly the Power whereunto Christ is vested for the destroying his Empire, is of a spiritual Nature, as is evident from his declaring, That his Kingdom is not of this World; So that it is unaccountable, how the Original of human Government can be derived from the Power the Devil gain'd over us in our Fall, or from the Authority God gave his Son to deliver us from it.*

Ans.w. I reply, 1. That he as well gain'd a Power over our Bodies, as our Souls; and upon that Account is said to have the Power of Death; so that his Dominion is over our whole Nature.

2. His Dominion was built upon the Ruines of the Theocracy; which had a respect as well to the civil, as spiritual Interests of Man. For it was not onely the Privilege of our Immortality, that he envied us, neither was it his being the dispenser of Eternal Blessings, that he grudg'd God the Honour of: But it was the happy Condition of being a Subject to the Crown of Heaven, that he envied Man, and the Honour of being the Sovereign Lord of the World, that he could not brook should be in the Hands of God. So that when he made Man a Captive to his Will, it was not onely by subjecting his Soul to his Spiritual power, but by making himself the Sovereign Prince of this World, and assuming to himself a violent Tyrannick Authority over God's Creature.

3. That though that part of his Dominion, which he has in his hand be spiritual, and exercised in a spiritual Manner, yet by infusing that Spirit of Ambition, which push'd him on to the invading the Theocracy, into the hearts of ill Men, he has given Being to those Tyrannies, which are destructive to our Civil rights. For having withdrawn Men from his Obedience to his onely natural Lord, as God for the recovery of his lost Sovereignty, gave his Authority to the Seed of the Woman; so he for the better securing his usurpt Empire, communicated of his Spirit and Power to the unjust Invaders of our natural Liberties. And it is by the Spoil and Cruelty of these his Instruments, that he endeavours to support his Usurpation, and makes War upon that Government, that is of Divine Institution. So that,

4. The Tyranny, that his Ambition gave birth to, and which acts by an Authority derived from him, does much contribute to the promoting and securing his spiritual Empire over Men's Souls. For by debasing
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Men's minds to the slavery of servile Passions, it naturally tends to introduce that Ignorance and Barbarity, which are of great use to him for the settling Wickedness in the World. For the more rude and uncultivated Men's minds are, the more fit are they for Vice and Impiety to take to. And how much a miserable slavish Condition does tend to destroy all that is generous and noble in our Nature; we need no other Arguments to satisfy us, but the miserable State of those unhappy People, whose Misfortune it is to live under a Despotick power.

And although on the other hand, the Power, that God has given his Son, is principally design'd to destroy the spiritual Empire of the Devil, over our Souls, and on that account it was necessary he should be God as well as Man; yet since he is Man as well as God, his Power is,

1. For the restoring us all the Rights and Privileges of human Nature.
2. For the freeing Man from the mischievous Effects of that Ambition and Cruelty, which are the certain Marks of a Diabolical Spirit, by subjugating us to those Laws of Righteousness, which are the Rules of the Divine Government. So that it is only so far as a Government is discharged of that Despotick Spirit, wherewith the Devil has corrupted it; and is reformed according to that Pattern that God has given the World in the Kingdom of his Son, that it becomes vested with the Divine Authority; as human Nature is reformed to a Divine Frame, when that Depravity, with which the Devil has debased it is corrected according to the Pattern, that God has given us in the Manhood of Christ Jesus. And to this purpose it seems very natural to believe, that as the Devil besides the Spiritual power, that he has reserved to himself over the Souls of Men, did plant a Tyranny in the World over our Bodies and civil Rights; so that besides the Spiritual power, which Christ does immediately exercise for the ruining of the Devils spiritual Empire, those Civil powers that are corrected by the Spirit of the Divine Government, are under his immediate Direction, for the destroying the Visible part of the Devil's Kingdom. So that,

3. It was for the utter subversion of that usurpt Authority at the last, which has thrust the Theocracy out of the World, and the establishing the Universal Monarchy of God over all his Creatures. And this no doubt will in a great measure be the Work of that part of his Power, that is committed to his Deputies upon Earth; I mean, to those Kingdoms and States, which are renovated by just Laws. And,

4. When he saith his Kingdom is not of this World, it imports, that though he was appointed by God to restore the Theocracy, yet he should not do this by the same means as those, as to whom at first the Devil gave his Power and Spirit, usurpt upon it. So that though the Empire of the

the Devil as it is in his own hands be spiritual, and managed in a spiritual Manner, and that of Christ, as it is immediately administered by himself, is not of this World, nor promoted after the way, that secular Powers, especially those that are influenced by the Spirit of the Devil, advance their Interests; yet neither the one nor the other prove, that either the Tyranny, that is oppressive of Mankind, is not of the Devil; or those just and equal Governments which aim at the Preservation and Happiness of Mankind are not vested with that Power, by which God does intend to subdue all things to himself.

The sum then of all is this; That when God had created Man innocent, and placed him under his own immediate Authority, the Devil envying Man the Happiness of such a State, and God the Honour of such an Authority, affected at least to be equal to God in Rule and Empire, and by subtilty prevail'd with Man to renounce his Obedience to his Creator.

That though the Empire the Devil gain'd be chiefly over our Souls, yet by infusing his ambitious and wicked Spirit into the hearts of *Cain* and *Nero*, he prompted them to invade the natural Rights of Mankind, and for the better establishing his spiritual Empire, erected a barbarous Tyranny upon the Ruine of Liberty and Property.

That this Power is the same with that, which he exercises in a more spiritual Manner, sprung from the same root, Ambition and Pride, tends to the same Ends of Destruction and Misery, and manifests it self in all Ages of the World, in those Cruelties and Oppressions whereby Mankind is vexed and disturbed.

That God for the counterplotting the ambitious and destructive Aims of the Devil, did immediately upon Man's Fall institute a Government vested with the Authority of the Theocracy.

That though the first Rise of human Government was from so ill a Principle as that Ambition, by which the Devil gain'd his Dominion over Man; yet God out of compassion to that weakness in our depraved Nature, which could not bear the Majesty of his own immediate Government, gave way to our Subjection to a visible human Government.

Yet that human Governments might be for the same good of Mankind, as the Theocracy was, and that his Authority might bear rule therein; he provided for the Reformation of that Tyranny and Cruelty, wherewith the Devil had debased it. For though the sinking of our Nature into flesh, did render an immediate Theocracy too high for us, yet it did not so far turn us into beasts, as to deprive us of all Appetite to Society. And since as our natural Inclinations to Society make Government needfull, so the Degeneracy of our Nature does require it should be human; the goodness of God not onely comply'd with this weakness in us, but by instituting a Government founded upon the most just and righteous Laws,
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has set a pattern for the modelling all human Governments to such a Frame, that they may be a Blessing to us.

That the Government, that God has instituted for the destroying that of the Devil; as it is in the hands of the Captain of our Salvation spiritual, but as it prevails to the deposing the Tyranny of Man's corrupt Will from the Throne of Temporal Kingdoms, it sets up its Authority and gain an Interest in this lower World.

So that in the other World there are two Powers opposite to each other, and at perpetual War for the Dominion over our Souls, *Michael* and his Angels fighting with the Dragon and his, as *St. John* speaks.

And that in this World likewise there are two different kind of Powers derived from, and acted by the Authority of the other at perpetual Enmity with, and endeavouring the Destruction of each other.

That the Marks of the one are Violence and Wrong, Oppression and Cruelty, and those of the other Justice and Righteousness.

That there is no Obligation upon Mankind to own, or to contribute to the supporting the former, but as good a Right to withstand it, as there is to assert our own natural Liberties, and the Authority of God over us, and to endeavour the overthrowing that Diabolical power, which God is an Enemy to, and is resolved to destroy.

That it is a contradiction to suppose that any Government, that is vested with the Divine Authority, is unlimited. For no human Government can pretend to the Divine Authority, but such as are corrected and bounded by good and wholesome Laws. And those that are not, do continue under that Depravation that is from the Devil. So that the having a Divine Authority does suppose such a Limitation, as is agreeable to the Justice and Goodness of God, and is necessary for the preservation of the Rights of our Nature. And accordingly whatever Prince sets up his own Will for the measure of Right and Wrong, he renounces the Power that is from God, and acts by that which is from the Devil.

That in all well temper'd Governments, which are regulated by those Rules of Justice, which are the Marks of the Divine Authority, Succession is not so sacred as to render a Prince irresistible, who quitting that Divine Authority, to which he ought to succeed, and by which he ought to govern, does endeavour to bring his Subjects under the Power and Tyranny of the Devil.

Lastly, That however a severe Providence, may at sometimes for the punishing and correcting a People, permit the Diabolical power to prevail; this can be no reason why we should lean to that Power as unalterable, or that Prince who governs by it as sacred, when a kinder Providence does restore his own Power to its Authority, any more than we should be unwilling to part with a Calamity, onely because God is pleased

fed sometimes to afflict us. But whenever the Ancient Rights of a well constituted Government, by which alone we can judge where the Divine Authority is lodg'd, are to a miracle preserved; we are as much bound to submit to such a good Providence, as to be willing rather to be under the Divine Authority than that of the Devil.

Obj. But it may be further objected, *That these Principles are very precarious; because it does not appear, how the Kingdom of Christ, which did not begin till many Ages after the Fall of Man, could be a pattern for the framing any Civil Government by; or how those human Governments, which began long before the coming of Christ in the Flesh, could take their Rise from, or be corrected by that Kingdom, which according to the Divine Councils, was to be founded by him.*

Answer. 1. That the Institution of Christ's Kingdom was immediately after the Fall. And though the Seed of the Woman did not immediately enter upon the Exercise of his Power; yet the Power of the Theocracy was transferred to him.

2. We may as well suppose that human Nature in the Father, before the coming of Christ in the Flesh, was no way better'd or benefited by this promise, as that it had no influence at all on human Governments, to the bettering and improving them. To what purpose was the promise made, if not to recover Adam and his Posterity, to a subjection to the Divine Authority? Or how could the Fathers rejoice to see his day, whom the promise pointed at, if not upon this consideration, that God had thereby even to them, made him to be both Lord and Christ? Or if it had no effect in rooting out that Corruption, by which the Devil did Tyrannize in the World? It is true, it was the belief of the great things that he was to accomplish at his coming, and when after his Resurrection he should be installed in his Kingdom, that rais'd their Spirits: But then this Faith, as it was sufficient to free them from that Corruption of Nature, wherein the spiritual Dominion of the Devil did consist, and to reunite them by a holy Nature, to the Father of Spirits; so it was capable of correcting that Corruption in human Governments, wherein the Visible Power of the Devil lay, and to model them according to the pattern of the Theocracy.

3. That since his appearing, he does not immediately administer that part of the Theocracy, which has a respect to the civil Rights of Men: But while he in the other World, does withstand the spiritual power of that invisible Spirit, who upon the account of his Usurpation is stiled the Prince of this World, he opposes those human Tyrannies which are managed by the Diabolical power, by those human Governments, which being reformed according to the Rules of Righteousness, by which he governs his Kingdom, do share with him in the Authority of the Theocracy. And

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thus I doubt not, but the Power of the Theocracy was exercised both in the invisible, and this visible World before he assumed our Nature. And thus it will continue till those happy Times, when by the means of his visible Ministers, the World shall be restored to so peaceable a Condition, as will be proper for the putting down all other Rule and Authority but his own, and the subjecting all things immediately to himself.

Obj. But if it be still said, That there is no reason to believe, that any of those Powers that are in the World, do derive their Authority from any other than God himself, because not only St. Paul has taught us concerning the Rulers of his Time, that the Powers that then were, were ordained of God, i. e. had their Authority from him, who is the supreme Lord of the World; but God himself has assured us, that it is by him that Kings reign: And that accordingly he own'd Nebuchadnezzar for his Servant, and Cyrus for his Shepherd: That we are inform'd by Daniel, that it was the God of Heaven, who changeth Times and Seasons, that removeth Kings, and setteth up Kings, that gave Nebuchadnezzar a Kingdom, Power, and Strength, and Glory; and by the Prophet Isaiah, that Cyrus was to perform all his pleasure. From which, and such other like Texts it is very strongly urged, that all Civil Power and Authority is from God, who has the sole right to Govern his Creatures; and that by what means soever any Prince ascends the Throne, he is plac'd there by God, and receives his Authority from him. To which I Reply,

1. That if this be true, we must grant, that Cain, when he was Outlawed, or Banished, from the Protection and Benefit of that Divine Authority, that govern'd the World, did yet build his City, and assume the Government of it by the special License and Authority of God. When he was Banish'd, I say, from the Protection of the Divine Authority; for although the Lord set a Mark upon him, lest any finding should Kill him, Gen. 3. 15. yet this was only a favour, whereby his Life was assured to him; but, as appears from his own Complaint, that he was driven out from the face of the Earth, and hid from the face of God, it is evident, that he was deprived of the benefit of the Divine Government. And thus according to the Sentence pass'd upon him, he was to have lived as an Outlaw and a Vagabond on the Earth. And can any believe, that when, in opposition to that Authority that had inflict'd this punishment upon him, he founded a Government in the City, that he built, that he did it by that Authority, that had doom'd him to live a Vagabond? Or, that when contrary to the nature of his punishment, he instead of a Fugitive made himself a Prince, that God plac'd him in his Throne, and vested him with his Authority? And as little can it be supposed, that Nimrod had his power from God, who is branded by the Holy Spirit with being a mighty Hunter before the Lord: And yet it was

was to him that *Nebuchadnezzar* did succeed in the *Babylonian Empire*. And if the first founder of this Monarchy did not receive his Authority from God, 'tis a little difficult to satisfy us, how any of his Successours, if they Ruled with no other Power, and by no other Right than what was derived from him, could succeed to a Divine Authority. For if, as the Learned Dr. *Sherlock* has well observed, the continuance of a Usurpation can never give a right, unless that which is wrong can grow right by continuance; an Empire, that was at first founded upon an invasion of the Divine Authority, cannot by a long continuance become founded by that Authority, that it invaded; neither can a Prince be supposed to be placed in his Throne by God, if his Throne was at first Erected by the Spirit, and is continued to be upheld by that power of the Devil, which it is made the Seat of; unless God and the Devil be become such good Friends, as that the one does Authorize and Confirm the Acts of the other. I deny not, but an Empire, that was at first Erected by the power, and thereby was made the Seat of the Devil, may alter so much for the better in the hands of a Successour, as visibly to be Govern'd by the power of that Humane Government, that God has instituted; and so likewise a Government that was Model'd by the Rules and Constitutions of the Divine Regiment, may degenerate into a Diabolical Tyranny; but yet an Empire that was at first founded by the Devil, cannot be said to be Govern'd by the Divine Authority, so long as it is Govern'd by the same power, that at first set it up. And yet,

2. This must be supposed, if all Princes, however they ascend their Thrones, are placed there by God, or however they Govern must be acknowledged to have their Authority from him. For then we must suppose, that those Princes, that are acted by the Spirit, and promote the destructive designs of the Devil, does this under the shelter, and by virtue of the Divine Authority. Then we must believe, that the mighty Hunter of our Age, when he burns Towns, and lays Provinces desolate, when, for the heightning his Glory, he neither regards Treaties nor Alliances with his Neighbours, nor his Promises, or most Authentick Engagements to his Subjects, does commit all his Villanies and Outrages by an Authority given him by God. And can we suppose this, but with the most impious reflection upon the Divine Justice and Goodness? Is God a Patron of Violence and Wrong? Or, has he Authorized any person to do Wickedly? As well may we suppose, that he, that leads the most profligate Life, does it under the influence of the Divine Grace, as that a Prince, who favours no Man's Right, when it is his Interest to invade it, is Empowered by a Divine Authority. If all kind of Wickedness be of the Devil, and to do Wrong be to do Wickedly, it is as much for the Honour of God to believe, that the Devil has received Authority from him

him to invade and spoil our Souls, as that any man how great soever has his Authority, when he does that mischief that is onely agreeable to the Diabolical Nature.

If it be said, That though they have not Authority from God to doe mischief, yet they have their Authority to govern their People from him: I could wish, that all, that write of this matter, would be carefull so to expresse themselves. But then this is to grant, that they have God's Authority no longer than they are, as the Apostile tells us, they ought to be, the Ministers of God for good. For let it be supposed, that they have their Authority from God, when they come to their Crowns, how can they be said to have it, when they have renounced it, and make use of such a Power as is onely from the Devil? For though they have God's Authority to govern, they have not his Authority to oppress. And yet this, so far as I understand the matter, is the thing that is pleaded for, else how come we to be so solemnly told by the Vindicator of

Dr. *Sherlock*, that should the supreme Authority take away P. 24.
a Man's Estate, to which he has a Legal Right, that there is such a thing as Authority in this, and that too the Authority of God against Legal Right? Which is to suppose, that God does allow, that Men shall do those things by his Authority, which he himself has expressly forbidden. For he that has a Legal Right to his Estate, cannot be deprived of it by any Person without a great deal of wrong; And where there is such a wrong done, though by the supreme Authority, it is a little too bold to say, that there is undoubtedly the Authority of God, because God does no more Authorise a Prince to doe wrong to his Subjects, than one Neighbour to another. This Gentleman makes use of this as an Argument to prove, that the supreme Authority, wherever it is lodged, is irresistible. But if there be no better reasons, why a Person, that is thus wrong'd, should acquiesce, than this comes to, the supreme Authority has no reason to thank him for his Compliment. For though there be Authority, yet if it be not God's Authority, and to ordinary Capacities it will always appear a Contradiction to say, that God authorises the doing that, which by his Authority he condemns, it seems it is resistible. So that I do not see, how the supreme Authority is irresistible upon the Account of the Divine Authority, when it does a particular wrong, any more than he grants it is, when it invades all the Rights of a Kingdom at once. For if there be the Divine Authority in the one there is in the other, and the same Divine Authority must make it irresistible in both Cases, or neither. And if, as he saith, because the reason of our Obedience to Government, is for the preservation of human Societies, it be an easie and short Consequence, that if the reason ceases the Obligation is void; is it not as short a Consequence, that every particular

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Person's Obligation is void, when the Government, which should preserve his Right does invade it, as that a whole Nations does when all its Rights are invaded at once. And what then becomes of that Divine Authority which is pretended to render the supreme Authority, in case of a particular wrong irresistible? The truth on't is, either this Opinion must make us all slaves, if the supreme Authority will invade our Rights at once, or it must put it into the Power of every wrong'd Person to right himself upon it; which will not suffer any Government to stand long. So that the reason, why a particular Person that suffers wrong by the supreme Authority, ought not to give disturbance to the Government upon that account, is not, because there is Divine Authority against Legal Right; but because the good, that accrues to the Publick by a general regular Administration of Justice, does overbalance the Injury that comes by such a particular Wrong, and ought to quiet the Repentments it may occasion.

For in the best Governments, where the Divine Authority does most visibly display it self, there will be little Essays of that wicked Spirit, that has usurpt upon the Divine Authority, to settle his Power, and as much as possibly to corrupt the Course of Justice. And though they are not irresistible in such cases, because there is God's Authority; yet they are to be born with upon the account of the great Blessing of the Divine Authority, which discovers it self in the general Administration.

But it may be said, that wicked Princes have the Divine Authority, though they do not act by it. Which, I think, is the same thing, as to say, a very bad Man has Grace, or a Principle of Goodness within him, though he does not make it appear that he has in any thing he does; when it is not possible to know, that either the one has such a Principle, or the other such an Authority, but by the use of them. For shall we say, that the Divine Authority is onely hung about the Necks of Princes, like a Charm to render them invulnerable? Or that if they act under a worse Authority, as it is plain they do when they assume a Power that is destructive, God does intend that his Authority should be made use of only as a Protection for those that violate all the Rights of it? Or that it is a Crime for a People to endeavour to support that Authority, to which alone they owe Obedience, when it is invaded and endeavour'd to be thrust out of the World, onely because God did Authorize Princes to doe otherwise. Authority surely is no such invisible thing, that a man may have it, and yet no body discern it; and above all things, that which is Divine, is the least so to a Nature that is peculiarly capable of discerning the Effects of it.

But what then shall be said to those Texts, in which God calls Evil Princes his Servants, and owns them to have their Kingdoms from

from him; to be his Ordinances, and to have their Power from him? I would ask,

1. Whether they do receive a Power, that is mischievous from him? And,

2. When they exercise such a Power, whether it be by Virtue of the Divine Authority? I am sure the Apostle teaches no such thing, but the contrary, when he subjoins, that Rulers are the Ministers of God for good; and that they are not a terrour to good works, but to the evil; which implies, that those, that are his Ordinances, and have their Power from him, are such as are for the Punishment of Evil doers, and for the Praise and Encouragement of those that do well. And if this be so, I cannot see, that the meaning of these Texts is, that destructive Tyrannies are founded upon the Divine Authority, but that God for the compassing his own Ends, gave way to that cursed Ambition, which the Devil first brought into the World; and which pushes aspiring men on by blood and violence to enlarge their Empire; or that he made use of them as the Instruments of his Providence for the accomplishing his severe purposes. So that God's calling *Nebuchadnezzar* his Servant, and letting him know that he gave him a Kingdom, are expressions either of the same import with that of his bidding *Shimei* to curse *David*, (which, as the Learned Dr. *Hammond* observes, means no more than *Traff of Conscience*, p. 66. that he permitted the Devil to make use of him as his Instrument thus to chasten *David*,) or that signifie, that it was by the Divine Permission, that his Arms were so successfull. And we can no more conclude from hence, that *Nebuchadnezzar* was placed in his Throne by God, or received his Authority from him, than that God authorized *Shimei* to do so wicked a thing as to curse his Anointed.

Neither do I think, that because God did not overrule, or give a check to his Ambition, we are to conclude from the Event, that he gave him the Kingdom, or invested him with his Authority: For all that the Event proves, is that he had resolved no longer to protect those States, that fell under the Power of his Arms. So that the Events of his Providence respected onely the People, that were delivered up to the Scourge, not him, who executed the wrath. For by withdrawing his Providence from the Protection of those he had doom'd to so severe a Plague as slavery for their Crimes, the Devil saw he had a fair opportunity to employ his Instrument in so wicked a Design. The Providence of God is the onely Bar against the Devil's Power, and the Ambition of his Instruments; and when he is provok'd to withdraw it, then he is said to bring Evil upon a City: Neither is any thing more needfull to the letting in that Inundation of Evil, which the Devil by his Instruments is very ready to overwhelm the World with, but onely the removing that Pro-

vidence, that bounds it. For Ambition is of a spreading Nature, when once it is let loose, and like the raging Sea, will naturally overflow when there is nothing to stop it.

But how then shall we know who are Kings by God's Appointment, and who are not? what Kings have his Authority, and who have not? who are those, whom we must obey out of Conscience, and whom we must not obey?

This I take it is to be determined of by the good or evil Designs, that are projected; and the Ends, that are aimed at in acquiring the Government, or from the State and Condition that a People are put into by it. For when the Aims of a Prince are onely the satisfying his own Ambition, and by Blood and Ruine the enslaving a People to his Will; or when in his Administration, it is plain, that he consults not their Welfare and Preservation, but his own Glory and Greatness, there is so little of the Divine goodness and justice in this, that it must be a reproach to God to believe that his Authority is here.

And this the Reverend Dr. *Sherlock* maintains, as his Vindicator observes, when he affirms the very reason of our Obedience to Government, is for the preservation of human Societies; whence, saith his Vindicator, by an easie and short Consequence, if that reason ceases the Obligation is void; and cease it does when their Right is all at once invaded. For if our Obligation ceases, it must be, because there is no Divine Authority; for it being the Design of the Doctor's to prove that it is God's Authority, that all Subjects are bound to reverence and obey, it must be an easie Consequence from thence, that where we are under no Obligation to obey, there is no Divine Authority; and to be sure where there is not God's Authority, there is not God's King.

But on the contrary, where a good Providence does raise up a Prince for the Deliverance of an oppressed People, and for the Preservation of a Kingdom from Ruine; a Prince who is not onely adorn'd with the perfections of the Divine Nature, but who makes the Safety and Tranquility of human Society the End of his Government, there is visibly a Divine Appointment, and God's Authority. For he onely is God's King, who is a God to his People, *i. e.* who seeks not the Kingdom out of an ambitious Aim, and who rules by such Maxims as are derived from the Divine Will. And though it is such a King, that we are onely bound in Conscience to obey; yet prudence does require, that we should bear even with the Rod of God's Displeasure, when for the attaining the Ends of his severe Providence, he gives way to the overflowings of a wicked Tyranny; yet the reason is not, because there is God's Authority, which is irresistible; but because there is no other way for a People in such Circumstances, to preserve themselves from a total Ruine. For till that Providence,

vidence, which being removed, opened a way to so dreadfull an inundation does return again, the struglings of a people will be to no other purpose than to provoke such a Tyranny to the greatest heights of violence.

And besides, when such a Calamity is with a respect to the people, that is thus punished, of Divine appointment, though it gives no authority to the Devil or his Instruments, who act according to their own wicked inclinations, yet resistance, as it is a refusing to receive correction from God, is a rebelling against his will: So that although a destructive power is not irresistible upon the account of the Divine Authority, yet it is to be born with, till God has accomplished his pleasure upon those he scourges with it. And whenever a good Providence does open a way for the shaking off the Yoke, it is so far from being our duty to refuse to part with it, that it is a duty we owe to the Divine Authority, which ought to be in the Throne, and was removed onely as a punishment, to contribute our best endeavours to the easing our selves. And therefore when the Jews were subdued by *Nebuchadnezzar*, the reason the Prophets gave why they ought to serve him, was founded upon that respect they ought to have to their own preservation, and the ends of God's severe Providence over them. *I spake to Zedekiah King of Judah, saith the Prophet Jeremiah, saying, Bring your Necks under the Yoke of the King of Babylon, and serve him and his people and live: Why will ye die thou and thy people by the sword, by the famine, and by the pestilence; as the Lord hath spoken against that Nation, that will not serve the King of Babylon*, Chap. 27. 12, 13. And when *Hananiah* the Prophet encouraged them to resistance, the Prophet *Jeremiah* told him, *he taught them Rebellion against the Lord*, Chap. 28. 16. i. e. not against any Authority he had given to *Nebuchadnezzar*, but that severe doom he had passed upon them.

Having consider'd this first Principle, and offer'd a Scheme of Civil Government from such Principles as are for the Safety and Honour of the Prince (for they make him irresistible in the just exercise of his Authority) and the peoples Duty and Interest to believe that it is so; as such an Authority is from God, and for their good, and yet leave the People at liberty to provide for their own safety, when a kind Providence does make way for their deliverance from an oppressive Power, by proving such a Power is not God's, and consequently is not irresistible, I come now

2. To consider that other Principle, That from the Laws and Constitutions of particular Kingdoms, does make the Rights of Princes unalterable.

Now if they who go upon this Principle, mean no more than that a Prince, who comes to his Crown in such a way, as the Law directs, and administers the Government regularly according to that Constitution, by which the extent of his Authority is stated, cannot be dispossessed but with

with a great deal of Injustice I know no man that will oppose it; nay I shall add, that such a Prince is God's King, and is invested with God's Authority: and being dispossessed, has all the reason in the world to lay hold of any favourable opportunity for the recovery of his Right. For his being dispossessed does not deprive him of his Legal Right; but the Law does look upon him to be the Rightfull Prince, as much as it doth assert the Title of him that is violently turned out of his Estate. And since the Divine Authority is dispossessed with him, he not onely may, but ought for the benefit of his people, who owe no obedience to any Authority, but that which is from God, to make use of all opportunities, that Providence gives him for the recovery of his Legal Right, and the restoring that Divine Authority, which was deposed with him. But if the meaning be, that a Prince who comes in a Legal way to the Throne cannot forfeit his Legal Right, by overthrowing those Laws, that are his Peoples rules of Obedience, this is so palpable a contradiction, that it is a wonder any mans reason should be so much enslaved as not to discern it. I could agree with the Reverend Dr. Sherlock's assertion, *That the Providence of God, which removes Kings and sets up Kings, alters no Legal Rights*, if he had not likewise told us, *That it forbids not those, who are dispossessed of them, to recover their Right when they can*. For it is certainly true, that Dispossession alters no Princes Right, for a good Prince though dispossessed, has a good claim still; and a bad one has lost his Right before he is dispossessed, having laid aside that Authority, by which alone he is King; neither can his endeavour to recover the Crown he has lost, be reputed any thing less than an Invasion. For,

1. By a Legal Right we are to understand a Right by Law. And to say that a Right that is founded upon Law is unalterable, is to say, that the Law-makers are Omniscient; and that on that account it is impossible any case should arise, that should make it necessary or expedient, that a Law should be alter'd; which is a privilege that no humane Government in the World does assume to it self. The Laws of the *Medes and Persians* 'tis true were unchangeable; but it is certain, that *Darius* in the case of *Daniel* found the inconveniency of that rule: and nothing is more usual than for those that have the Authority, to alter Laws if they do not answer the end of their Sanction. If it be said, That Laws that are enacted for the Administration of a Government are alterable, but those fundamental Laws, upon which the Government it self stands, are not; I say, If there be found an inconvenience, that hinders the one as well as the other from reaching its end, upon what reason is it, that they are not equally alterable? I grant, that when a Government is once settled, it is not every trifling inconvenience that ought to be a reason for a review of its settlement. But if there be so great a flaw in the Foundation, as in time does threaten

threaten the whole Building with ruine, I know no reason but they who had a power to lay the Foundation at the first, may repair that oversight and provide against that mischief, which had they been aware of at the first, they would have taken care of. And therefore in an Hereditary Kingdom, the Law that has intail'd the Crown, cannot be so sacred, but if there be an urgent necessity for it, not onely a Successour may be waived, but a Prince, that has the possession, but abuses his power, be displaced: And in either case the Law, that transfers the Crown to another, gives him as good a Title as any of his Predecessours. Nay the onely Right must rest in him, unless there can be two Legal Rights. But,

2. If it be a Right by Law, to be sure the Law that gives the Right cannot be undermined by virtue of that Right, but to the destruction of his own Right. For the destroying the Law, which gives the Right, digs up the foundation upon which that Right stands. If it be said, That a Prince may invade the Laws upon which the Rights of his Subjects stand, without destroying that by which his own is secured: I say if this was well proved it would be of great use to all the favourers of Tyranny. But if the Laws, that are for the security of the Liberties of the Subject, are so connected with those, that declare the Title of the Prince, that the one cannot be divided from the other, without making a separation between the Prince and People, how can his right to govern that people, that he has divided from himself be said to continue, any more than the Head have a natural right to rule and direct the several members of the Body when they are separated from it? The Natural Right of the Head does arise from that union that is between the members and it; and the Legal Right of a Prince is by virtue of those Laws, that unite his people to him: but when a Prince destroys those Laws, he destroys that communication, that the Law does make between him and his people, as much as that between the Head and the Members is destroy'd, when the Nerves, by which they are united, are cut. And the Law, by which he is a King, cannot make him a King of that community, which he has broken and dissolved; but the Laws of Nature give them authority to unite themselves *de novo*.

3. A Legal Right is such a Right by Law, as stands upon the consent of the Community. Whatever Right is less than this is not Legal. A Right, that is founded onely upon prescription, or a people's forc'd submission to a Usurpation, is so far from being Legal, that it wants that Divine Authority to establish it, which can onely make a Law binding. For though prescription is allowed to have the force of a Law, yet it is onely in such cases where the illness of a Title is not discernible: But however prescription of it self is so far from making an ill Title a good one, that it aggravates the crime of him that maintains it. The onely import of prescription is, that the possession has gone from Father to Son for a long time,

time, but if that possession was not well gained at first, it is not a long continuance will make it good.

And as to a forc'd submission, it implies no more than that a people have not as much Power as Will to shake off their burden. If there seems to be a consent in this case, yet it is not, as Dr. *Sherlock* observes, such a consent as makes a King, or as gives a Legal Right, but a bearing with him, that makes himself so. And 'tis thus that those tyrannies, which have nothing of the Divine Authority, but a Diabolical power, establish themselves.

But that consent which gives a legal Right, is a voluntary accepting of a Prince upon that mutual compact, which is the Foundation of all Governments. So that a Prince, who breaks this compact by altering the Form of Government, that was at first agreed upon, cannot be said to retain that legal Right, that was confered upon his Ancestours, by virtue thereof. For if a Prince's legal Right be to be judg'd on by the Constitutions of his Kingdom, how can the legal Right of a Tyrant to a limited Monarchy be maintain'd? For 'tis a Contradiction to say, that a Tyrant has a legal Right to a Crown, when the Constitution bars all Tyrants from it. If it be said, that a legal Right cannot arise from such a Consent, because there is no Authority to give it the force of a Law, for what Right had my Ancestours, saith that Reverend Dr. *Sherlock*, three or four hundred years ago to choose a King for me? I answer,

1. That if mutual Engagements have not the force of a Law, all kind of commerce between man and man must necessarily cease. For if the Father's Act does not bind the Son, no bargain or contract can be good any longer than the Father lives.

2. Treaties between Princes are to no purpose, for they stand upon nothing more than their own mutual Consent, to such Articles as are agreed upon for the benefit of their Kingdoms. And yet all Nations do look upon them to be the most solemn and binding Ratifications, although there is no superiour Authority to enact and give them their force. And a Successour, who with Fire and Sword should invade a Neighbour onely upon this reason, because his Predecessours had no Right to oblige him, would be look'd on as a Monster.

3. If a legal Right does not arise from hence, I do not see how any Prince can have any legal Right at all. For his legal Right cannot depend upon a Law of his own making; for this would be to suppose he was a rightfull Prince, before he had a legal Right. If his Right be by virtue of a Law, to say that he hath a legal Right by virtue of a Law of his own making, is to say, that he had a Right by Law, before any Law gave him a Right. For the Law, that gives him a Right, makes him a rightfull Prince; so that the Law, that makes him a rightfull Prince,

Prince, must be before he has a Right. And what else can this Law be but the first Consent and Agreement of the People. And then,

4. If the Legal Right does arise from the consent of the Community, it must have been establish'd for the benefit of the Community. And thus, no doubt, every Community, that has entail'd the Crown on such a Family, had a respect to the first reason of Government. And can any thing sound more harshly than to say a Tyrant has a Legal Right to his Crown by virtue of such a consent? For an Hereditary Right, that is establish'd by the consent of the Community for their good, is so far from being unalterable, that the reason of its Establishment ceases, when it lets a Tyrant into the Throne.

5. Where there is not the Divine Authority there can be no Legal Right, unless we can believe that it is in the power of Men to set either a Diabolical power or the Divine Authority upon the Throne. But no Community can consent to the former: And if those Laws that make a Monarchy Hereditary, do receive their Authority from the Peoples consent, that it should be so, such a Legal Right must be at an end, when the Prince that rules by it makes use of his Power against the Divine Authority, as every Tyrant does. So that such a Prince, whether he be dispossessed or no, loses his Legal Right, as he not only parts with, but is an Enemy to that Divine Authority which ought to bear rule.

And now if the case be thus, the second thing we are to enquire into, viz. Whether the Right of *K. James* in particular be so unalterably fix'd; that no good Man, who makes Conscience of his doings, can approve of the Revolution, that has driven him from his Kingdoms, or take the Oaths to their present Majesties, will admit of no long debate. For his Right, if it be unalterable, must either be because he not only had the Divine Authority, but could not lose it; or because according to the constitution of this Kingdom he could not lose his Legal Right.

As to the first I observe, that it is not only gone by his being dispossessed, as the Reverend Dr. *Sherlock* has proved, but it was abandon'd before he was dispossessed by assuming that destructive power, that is from the first invader of the Liberties of Mankind.

And as to the second, it might be sufficient to say, that when it is proved that either *K. James* did not invade the Laws and Rights of the Kingdom, or that though he did, yet the constitution of this Kingdom does oblige us to stand by his Title, I should be inclinable to believe that he has a Legal Right still though dispossessed. This I might out of a respect to an ancient constitution submit my judgment to, though I am not satisfied how he who has not the Divine Authority can have a Legal Right. For I do not understand how a Humane Law can bar the Divine Authority from the Throne, or secure the possession of, or the right to it, to a

power that is from the Enemy of all humane liberties. And besides, whatever deference might for peace sake be given to it, I do not see how a constitution, that settles Tyranny in the Throne, and obliges people to be slaves to an unjust and unreasonable power, can be of a divine establishment, or framed according to that humane government, which God instituted for the destroying the Devil's power, and restoring mankind to the enjoyment of the Liberties of their Nature. But, God be thanked, there is no necessity to go upon these principles in this matter. For though the Crown of *England* be Hereditary, yet whoever knows any thing of our Constitution, does know, that it does not give any Legal Right to a Tyrant. And this not only our Ancestours but our Kings have all along been very sensible of. For how else came the latter not only to accept of the Crown under the condition of easing their Subjects of their Grievances, and continuing all their Privileges and good Customs, but suffered their Subjects to oblige themselves to them by their Oaths of Allegiance no longer than they maintained them? And how came the other so vigorously to insist upon their right to *K. Edward's* Laws, and to controul the exorbitant power of those who strugled for a Despotick Sovereignty? How came the one to claim freedom as their birthright, and the other to acknowledge it was so? as *K. John* did; and that those ill Customs which were contrary to *K. Edward's* Laws were unjust oppressions of the Kingdom, as *Henry the First* own'd? So far as I can yet see, the plain state of the case is this; Though the *Norman* Conquerour came to the Crown by the defeat of *Harold*, yet he did not intend the people should consider his Conquest as having deprived them of all their ancient Rights. For when he came to *London* he courted their consent, and by promising great things came to the Crown upon the ancient terms of the Constitution. For as * *Selden* tells us, though he rather affected the * *Jan. Ang. Danish* Laws, yet when the people being extremely afflicted at
p. 73. it did with one consent petition him, that he would not alter those ancient Customs, in which their Fathers had lived, and they had been born to and bred under; telling him it was very hard, that they should have Laws imposed upon them which they were strangers to: he being moved with a respect to *K. Edward*, who had adopted him to his Crown and Kingdom, yielded to the request of the Barons, and in the presence of *Lanfranc* swore upon the Reliques of the Church of *St. Albans* and the Four Evangelists, that he would inviolably observe all the good approved and ancient Laws of the Kingdom, which the holy and pious Kings of *England* his Predecessours, and especially *K. Edward*, had established: Which were own'd by *Henry the First* to be so inviolable, that if he should suffer them to be diminish'd, yet his Nobles and the people of *England* would by no means endure it. And therefore I cannot but observe

serve it as a thing very remarkable, that when the Earl of Surrey, who opposed the design of Edward the First, to seize upon every man's Estate as belonging to the Crown, who could not shew by what Right he held it, being cited before the Judges, and demanded by what Right he held his Lands, answered, by laying his hand upon his Sword, *By this I have my Possession, and by this I will defend it.* That King, though of as great Courage as ever any King of England was master of, not onely took no offence at so bold an answer, but desisted from his purpose. By these and other Instances of like nature it is evident, that our Ancestours did not look upon themselves to be a conquered people, nor their Kings by the English Constitution to be vested with any other Right than what, upon their promising to preserve the Ancient Customs, they consented to. And what can this mean less, than that they never did, nor ever did intend to submit themselves to any more power than what was exercised by the Saxon Kings? This I take to be the meaning of the Conquerour's waving his Title by Conquest and courting the peoples consent. For in doing this, he like a Competitour with Edgar, who was generally favoured, submitted his Title to the peoples determination, and accepted his Crown onely upon their declaration in favour of him. So that when any of his Successours did by violent methods invade the ancient reserved Rights of the Kingdom, and usurpd another kind of power than what was at first consented to, they did as much declare, that they were not content with the ancient limited Monarchy, but were ready to put it to the decision of the Sword, whether they should exercise a Despotick or a Limited Power, as if the Conquerour had done so before he was admitted to the Crown. And the language of those frequent claims of their Liberties, that from the Conquest the people made, is no other than this; That, if, when the Conquerour was submitted to, upon the terms of preserving them, he had declared he would not take the Crown upon such conditions, they were ready to put it to the issue of a Battle, whether they should serve him as Slaves, or obey him as Freeman. And the reserving the Ancient English Immunities does import, that they did likewise reserve this power of maintaining them whenever they should be invaded. And such an Invasion was a publick Challenge to put it to the trial, whether they could maintain them or not. Neither can I see any reason, why they should be supposed to have tyed their hands from making good their claim by their Oath of Allegiance, when the utmost power they subjected themselves to, and bound themselves by Oath to obey, was limited by such a reservation of their Rights. Their Oath of Allegiance could bind them to own no more power than what they at first consented to. And the exercise of such a Despotick power as threatened them with slavery, being that which they

had not sworn to, they had at any time the same liberty of disputing it; as at first against the Conquerour, had he claimed it before his accepting of the Crown.

And now if this be the Power, that K. *James* succeeded to, where is that unalterable Right, that is contended for, when he by destroying the Laws upon which his right stood, did make a visible Alteration of it? For then he quitted his legal Right, for that of the Sword; and since he was not able to maintain that, he has lost all. When he came to the Crown, I can easily grant, he succeeded to a Power that is unalterable; for he succeeded to that which the Conquerour accepted of, and transmitted to his Posterity: But it will admit of a Dispute, whether he succeeded to this Power by a Right, that is as unalterable, especially when it has been so often acknowledg'd both by the Kings and People of *England*, that a succeeding by a legal Right to a Power that is unalterable, is so far from vesting any Prince with an unalterable legal Right, when he attempts to change that Power, which is unalterably establish'd, that in such a lawless Attempt he may be controul'd. And undoubtedly, if his legal Right be onely to the Power, that is unalterable, his legal Right cannot be unalterable any longer, than he governs by the Power that is so: This I say has been own'd, both by our Princes and our Antecessours of old; And will any say, that either our Princes then did not know the Power that belong'd to the English Crown, or the People understand the Duty, they were obliged to pay to an English King, as well as now? If they did not, how come we to have more Light, who are further removed from the first Foundation of the English Monarchy; when all the account too that we have thereof must come down by Tradition from them? But if they did, and yet believed those Immunities and Privileges, which upon owning the Conquerour they had reserved, were the boundaries of that Power, that was fixt to the Crown; and which at any time they might as lawfully contend for, as with the Conquerour at first had he refused to accept of the Crown with those limitations; 'tis more than plain, that they did not believe, that the Usurpations of a Prince upon his People were irresistible; or that he had still the same legal Right to the Crown, when by the most illegal Violences he endeavour'd to alter the very Frame of the Government, as when he was carefull to maintain it.

But to go one step higher; I do not see, that if there had been no care taken in the Constitution of the Government to preserve us a free People, we had lain at the Mercy of the King, whether we should be saved or no. For freedom is a natural Right, and depends not upon the Favour or Condescension of a Prince. And since God has laid our Freedom in our Nature, he has in the same Nature laid those Laws, which

will.

will as much justify an opposing a Power, that would enslave us, as an Endeavour to preserve our lives from the Teeth of a Beast. A Prince in this case would, I grant, be bound up by no previous Contract; but the Laws of Nature, which are the most unalterable, would be a Bar to his governing by any other Power than that, by which God governs the World, or to any other End than the good of his People. 'Tis true, he himself must be allowed the sole Judge what is for their benefit; but yet since the Power, by which God governs the World, is the measure of his Power, there is not so little difference between the Power of God, and that of the Devil, but a People will soon be sensible, which is in the Throne. For if the Power of God is preservative of the Rights and Freedom of our Nature, a Power of another Nature must be from that wicked Spirit, whom by the Law of self-preservation God has obliged us to withstand.

Obj. *But does not this encourage Rebellion, by leaving the People a Power to dispute the Authority of their Prince, whenever they think themselves grieved? For who knows not, that the People are apt enough to complain, where there is no just cause?* I answer,

1. This Objection seems to suppose, that the Power of God is so little discernible from that of the Devil, that it is a Difficulty to know which does bear rule. But is there so little difference between Goodness and Cruelty, Oppression and Protection, that the different Effects of these cannot be felt?

2. There is a difference to be made between those small Abuses of Power, which reach but to some particular Persons or Cases, and that extravagant Abuse, that will be content with nothing but an entire Slavery of a whole Nation. In the former Case Subjects, though they may complain, because the Power is so far corrupted by the Power of the Devil, yet they are patiently to bear, because the Divine Power is not totally rejected: But in the latter there is nothing of the Divine Power visible. And unless there be any thing in Nature, that teaches us God has subjected us to any other, it is not Rebellion to withstand it; but such a Defence of Freedom as Nature will justify.

And this is so visible a Truth, that it has been own'd by those, that had no Light but that of Nature to inform them. For when K. John had by an insupportable Tyranny so far alienated the minds of his Subjects from him, that in revenge he offer'd his Crown to the Emperour of Morocco, with a promise to become a Mahometan, as well as his Vassal; that Prince upon hearing his Character, and the Spoil and Rapine he had committed upon his People despised him and his offer: And, which was extraordinary, not onely from the Mouth of a Prince, who to be sure
understood

Marr. Paris, p. 205.

understood the Duty of a Subject, but of a *Mahometan*, who do not use to be very favourable to the Rights of a free People, wonder'd that the miserable English permitted such a one to rule over them, and accounted it an Argument of a servile and effeminate Spirit. To which *Robert de London* a Priest, who no doubt was one of that Kings most-faithfull Subjects, replied, not by magnifying an Uncontroulable power in the King, and denying the Right of Subjects to maintain their own Freedom, but by acknowledging the reasonableness of the Mahometan's Admiration, and vindicating the English bravery. The English, saith he, are men of a wonderfull patience, till they are damnified and exasperated above measure: But now, as a Lion or an Elephant, that perceives himself wounded, they begin to rage, and to shake off the Yoke of their Oppressour. Now from hence I observe, 1. That in the Judgment of a Mahometan, Subjects are not bound to obey a Power, that is not just but destructive. 2. That when men do speak their conscience freely, they cannot but acknowledge this Truth. For how much soever this Ambassadour, for some private Ends, favour'd K. *John's* proceedings, (as no doubt, he that was employ'd upon an Errand of this Nature did) yet, when he was press'd to speak his Conscience as a Priest and a Christian, he could not but own that the Barons had not onely sufficient provocation, but that they justly might do what afterwards they did, *i. e.* stand for their Liberties and oppose the King's Tyranny: Else why did he not inform the Judgment of the Mahometan, that it was not Pusillanimity but Conscience; not the fear of the King's Power, but a just regard to the Rules of their Duty restrain'd them?

Upon the whole then I cannot see, how those that scruple the Oaths to their present Majesties, upon the account of an unalterable Right to the Crown, immutably vested in his Person, can make it appear that he has such an unalterable Right. For if he has not onely by being dispossest'd, lost the Divine Authority, which belongs to the Possessour of the Crown, which is the way to satisfaction, that Dr. *Sherlock* teaches; but by assuming a Power to subvert the fundamental Rights of this Kingdom, and to enslave his People, which I have proved is not from God, did forego both the Divine Authority, and that Right, which according to the Constitution of the English Government, is Legal, till they show us upon what other Principles they found his unalterable Right; I shall make no doubt to affirm that it is not onely alterable, but was actually alter'd before his present Majesty's Descent upon this Kingdom. I come now,

2. To the other ground of Scruple, *viz.* Whether upon the account of any particular Obligation to the late King, it be just to refuse the Oaths to the present King and Queen. Now although a pretence of this

this Nature does seem to carry a great deal of generosity in it, yet it is not fit it should be weigh'd against those Obligations we are under to our Country. And if there be any, that insist upon this, they only show us, that a generous man is not always the wisest. For will any wise man believe, that his own personal Advantage is more considerable than the publick Peace? Or that the Interests of a Prince, who, he is satisfied, has not only lost his Right, but had unfortunately almost shipwrackt the State, in which his whole Fortune is embark'd, are more dear to him, than the preservation of his Country? It is I know a general belief, that many are dissatisfied more upon the account of the Places they have lost, than out of a respect to their Duty. And if so, such are not to be convinced by Argument; neither is the Prince, whom they would seem to favour in the least, beholding to them for their Fidelity. For the same Interest that now makes them Enemies, will soon make them Friends to the present Settlement, if they can but get any thing by it.

Others probably may believe their Case different from their fellow Subjects upon the Account of the Oaths, by which they had personally obliged themselves to K. *James*. But how their Case should differ, I do not understand. For does their personal Engagements oblige them to more than the Allegiance of their fellow Subjects, who are under no such personal Ties, does bind them? If it does, then it binds them to more than Allegiance; and what that is I would fain know. But if it does not, how can they believe that their Oaths are still binding, when they are satisfied, that that Allegiance, which is the matter of their Oaths, is at an end? A Son owes his Father a Filial Duty; and he, who swears to pay to his Father the Duty of a Son, is (though his Obligation be greater) bound to pay no more than he who is only under the common Ties of Nature: And if there be any Case, that will set the one at liberty, it will likewise do so by the other. If it be said, that a Father has a Right to the Duty of his Son, so long as he is a Father; I answer, though I should grant this, yet it does not prove but that he, who is not bound by an Oath, is as much obliged as he that is. For our Dispute here is, whether the personality of an Oath does oblige to that Duty, which arises from a Relation, when that Relation ceases. Now those, that insist upon this, do suppose, that K. *James*'s Right to claim the Universal Obedience of all their fellow Subjects is at an end; that his Hereditary Right is not a sufficient ground for all the people to deny their subjection to their present Majesties; but that in respect of the Oaths they have taken to him they are in doubts, whether they may take the present Oaths with as much safety as others. Bu

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now, if that Duty, which their Oaths have a respect to, be no longer due, what is it that their Oaths oblige them to? If they believe their case is really different, they must satisfy us, how an Oath can bind us to do that, which we are under no obligation at all to do; or can have any respect to a Duty, which we believe is at an end. But if they believe the Duty still continues, then they cannot plead a particular Obligation upon them in respect of their Oaths. For their case is the same with theirs, who contend for an Unalterable Right; which having been already consider'd, I refer you back, and am, Sir,

Your Obligd

Friend and Servant.

Ed. Edwards

F I N I S.

Edwards

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